

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 8th day of December 2005, at 8:00 P.M., and there were

PRESENT: JOHN ABRAHAM, JR. MEMBER

 WILLIAM MARYNIEWSKI, MEMBER

 RICHARD QUINN, MEMBER

 ARLIE SCHWAN, MEMBER

 ROBERT THILL, MEMBER

 JEFFREY LEHRBACH, CHAIRMAN

ABSENT: ANTHONY ESPOSITO, MEMBER

ALSO PRESENT: JOHANNA M. COLEMAN, TOWN CLERK

 LEONARD CAMPISANO, ASST. BUILDING INSPECTOR

 JOHN DUDZIAK, DEPUTY TOWN ATTORNEY

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

PETITION OF REALTY USA

THE 1ST CASE TO BE HEARD BY THE ZONING Board of Appeals was that of the petition of Realty USA, Merle Whitehead, owner, 6505 East Quaker Street, Orchard Park, New York 14127 for one [1] variance for the purpose of erecting a ground sign on premises owned by Merle Whitehead at 4909 Transit Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 30F.(2)(c)[2][a] of the Code of the Town of Lancaster to permit a sign height of ten feet one inch [10',1"] over finished grade.

Chapter 50, Zoning, Section 30F.(2)(c)[2][a] of the Code of the Town of Lancaster limits the height of a ground sign to four [4] feet above finished grade. The petitioner, therefore, requests a six foot one inch [6',1"] ground sign height variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Planning of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Public Works, Division of Highway of the time and place of this public hearing.

Copy of a letter notifying Town of Cheektowaga of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Merle Whitehead, III, petitioner 6505 East Quaker Road Orchard Park, New York 14127	Proponent
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Jim Popiela, agent for Realty USA Ad Vision Sign Company P.O. Box 200 Buffalo, New York 14225	Proponent
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Joseph Cipolla 35 Hillside Parkway Lancaster, New York 14086	Opponent
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IN THE MATTER OF THE PETITION OF REALTY USA

The petition was withdrawn by the applicant.

December 8, 2005

PETITION OF RAYMOND S. PRIESTER:

THE 2nd CASE TO BE HEARD BY THE ZONING Board of Appeals was that of the petition of Raymond S. Priester, 38 Rollingwood Drive, Lancaster, New York 14086 for one [1] variance for the purpose of parking an oversized motor home in the south west side yard on premises owned by the petitioner at 38 Rollingwood Drive, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 17D.(3)(d) of the Code of the Town of Lancaster. The height of the motor home is ten feet [10']. This motor home is presently stored on the south west side of the attached garage.

Chapter 50, Zoning, Section 17D.(3)(d) of the Code of the Town of Lancaster requires that a motor home exceeding eight feet [8'] in height be stored in a rear yard or an enclosed building. The petitioner, therefore, requests a two foot [2'] height variance to permit the continuation of storage of this trailer in the south west side yard.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Raymond S. Priester, petitioner	Proponent
38 Rollingwood Drive	
Lancaster, New York 14086	

Lynn Priester, petitioner	Proponent
38 Rollingwood Drive	
Lancaster, New York 14086	

IN THE MATTER OF THE PETITION OF RAYMOND S. PRIESTER

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. ABRAHAM, WHO MOVED ITS
ADOPTION, SECONDED BY MR. LEHRBACH
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Raymond S. Priester and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 8th day of December 2005, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That the applicant is the present owner of the premises in question.

That the property for which the applicant is petitioning is within a Agricultural Residential District, (AR) as shown on the Zoning Map of the Town of Lancaster.

That the use sought is a permitted use appearing in the Agricultural Residential District, (AR) as specified in Chapter 50 of the Code of the Town of Lancaster.

That an undesirable change may be produced in the character of the neighborhood by the granting of the area variance relief sought, however, the neighbors have indicated that they have no objection to variance grant.

That the benefit sought by the applicant can be achieved by some other method, however the expense is prohibitive.

That the requested area variance relief is substantial.

That the proposed area variance relief may have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, however any impacts are mitigated by the conditions of the variance granted.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED**-subject to the following conditions which in the opinion of this board are appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- That no person may inhabit the motor home while stored on premises.
- That the motor home may be parked only in the location which is indicated in the application of the petitioner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ABRAHAM	VOTED YES
MR. ESPOSITO	WAS ABSENT
MR. MARYNIEWSKI	VOTED YES
MR. QUINN	VOTED NO
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED NO

The resolution granting the variance was thereupon **ADOPTED.**

December 8, 2005

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 9:37 P.M.

Signed _____
Johanna M. Coleman, Town Clerk and
Clerk, Zoning Board of Appeals
Dated: December 8, 2005